

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Allen Carl, et al.
U.S.S.N.: UNASSIGNED GROUP: UNASSIGNED
FILED: HEREWITH EXAMINER: UNASSIGNED
FOR: SYSTEMS, METHODS, DEVICES AND DEVICE KITS FOR FIXATION OF
BONES AND SPINAL VERTEBRAE (AS AMENDED)

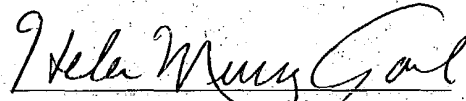
Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir/Madam

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EV 343731717 US and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 20, 2003.

By: 
Helen Murray Tarbi

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. ☐ Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☒ Each of the patents, publications or other information listed on the attached PTO-1449 was previously cited by or submitted to the USPTO in connection with U.S.S.N.: 09/536,732, to which the subject application claims the benefit of the earlier filing date. As such, a copy of each is not included herewith pursuant to 37 C.F.R. § 1.98(d).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. ☐ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows (following also previously cited by or submitted to the USPTO in connection with U.S.S.N.:
- ☐ English translation (partial) for references
 - ☐ English abstract for references
 - ☐ English translation of search report/ official communication.
 - ☐ Copy of PCT/EPO Search Report.
- c. ☐ The following additional information is provided for the Examiner's consideration:
- ☐ Copy of EPO Search Report.
 - ☐ Copy of PCT Search Report.
 - ☐ Copy of Official Communication from the _____ Patent Office.
 - ☐ English translation of search report/ official communication.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
or
b. _____ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

Applicant: Carl, et al.

Attorney Docket No. 49386 CON (71995)

VII. FEE PAYMENT (check one)

_____ Enclosed please find a check in the amount of \$180.00 for the above-indicated fee.

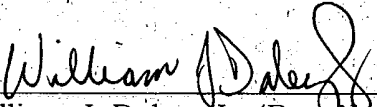
_____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee.

X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Respectfully submitted,

Date: June 20, 2003



William J. Daley, Jr. (Reg. No. 35,487)
EDWARDS & ANGELL, LLP
P.O. Box 9169
Boston, MA 02209
Tel: (617) 439-4444

Customer No: 21,874

BOS2_339431.1

**Information Disclosure
Statement****PTO - 1449**Attny. Docket No.
49,386 — *CON*

Serial No.

Applicant(s): Carl et al.

Filing Date

Art Unit

UNITED STATES PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Name	Class	File Date
	A1	5,700,265	12/23/1997	Romano		
	A2	5,591,235	01/07/1997	Kuslich		
	A8	5,509,918	05/11/1993	Romano		

FOREIGN PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Country or Office	Class	

OTHER DOCUMENTS (INCL. TITLE, AUTHOR, DATE, PAGES, ETC)

Exam. Initials	Ref. No.	

Examiner:

Date:

Information Disclosure Statement PTO - 1449	Attny. Docket No. 49,386. - COW	Serial No.
	Applicant(s): Carl et al.	
	Filing Date	Art Unit

UNITED STATES PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Name	Class	File Date
	A3	5,591,165	01/07/1997	Jackson		
	A4	5,545,164	08/13/1996	Howland		
	A5	5,415,661	05/16/1995	Holmes		
	A6	4,790,303	12/13/1988	Steffee		
	A7	4,773,402	09/27/1988	Asher et al.		

FOREIGN PATENT DOCUMENTS

Exam. Initials	Ref. No.	Document Number	Date	Country or Office	Class	

OTHER DOCUMENTS (INCL. TITLE, AUTHOR, DATE, PAGES, ETC)

Exam. Initials	Ref. No.	

Examiner:	Date:
-----------	-------

FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY DOCKET NO.
49,386-CONSERIAL NO.
UNASSIGNED

APPLICANT(S): Carl, et al.

FILING DATE:

ART UNIT:

UNITED STATES PATENT DOCUMENTS

EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL DAT IF APP
	A9	6,056,749	5/2000	Kuslich			
	A10	5,974,674	11/1999	Kelly			
	A11	5,928,267	7/1999	Bonuti et al.			
	A12	5,899,908	5/1999	Kuslich et al.			
	A13	5,895,183	4/1999	McDaniel et al.			
	A14	5,765,289	6/1998	Schultz et al.			
	A15	5,527,316	6/1996	Stone et al.			
	A16	5,445,639	8/1995	Kuslich et al.			
	A17	5,425,772	6/1995	Brantigan			
	A18	5,423,826	6/1995	Coates et al.			
	A19	5,355,588	10/1994	Brandenburg, Jr. et al.			
	A20	5,352,224	10/1994	Westermann			
	A21	4,907,577	3/1990	Wu			
	A22	4,834,757	5/1989	Brantigan			
	A23	4,335,715	6/1982	Kirkley			
	A24	4,059,115	11/1977	Jumashev et al.			
	A25	DES. 401,335	11/1998	Koros et al.			
	A26	RE 37,479	12/2001	Kulich			
	A27	6,241,769	6/2001	Nicholson et al.			
	A28	4,135,506	1/1979	Ulrich			

Examiner:

Date: